

LAWS of Maryland;

ENACTED

At a Session of ASSEMBLY,
begun and held at the City of
Annapolis, on *Thursday* the Third
Day of *October*, in the Four-
teenth Year of the Dominion of
the Right Hon. *CHARLES*,
Lord Baron of *Baltimore*, Abso-
lute Lord and Proprietary of the
Provinces of *Maryland* and *Ava-*
lon, &c. *Annoq; Domini 1728*,



By AUTHORITY.

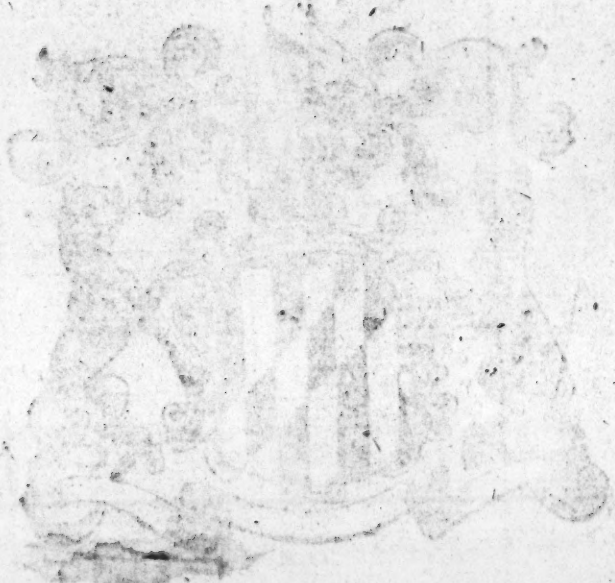
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LAW OF MARYLAND

ENACTED

At a Session of the ASSEMBLY
begun and held at the City of
Annapolis, on Thursday the 1st day
of October, in the Four-
teenth Year of the Dominion of
the Right Hon. CHAS. L. E.
Lord Baron of Baltimore, Anno
1660 and Proprietary of the
Provinces of Maryland and
Lower Virginia 1728.



BY AUTHORITY

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At a Session of A S S E M B L Y begun and held at the City of A N N A P O L I S, in M A R Y - L A N D, the Third Day of October, 1728, the following L A W S were Enacted.

An A C T for ascertaining the Form of the Oath of Judge or Justice.

W H E R E A S the Oath of *Judge or Justice*, (appointed to be taken by the Statute of the Eighteenth of *Edward the Third*,) does not in many Particulars provide for the Constitution of this Province, nor suit the Circumstances of any other Proprietary Government :

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That at some convenient Time, after the End of this present Session of Assembly, and before the last Day of March next, the following Oath shall be taken, as the proper Oath of Office, by the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen of the City of Annapolis, for the Time being, changing only what is to be changed, according to the different Stations of such Magistrates, viz.

Y O U shall swear, That as a Justice of the Provincial Court of Maryland, in all Articles of his Lordship's Commission to You directed, You shall do equal Law and Right to all the King's Subjects, rich and poor, according to the Directions of the Acts of Assembly of this Province, so far forth as they provide ; And, where they are silent, according to the Laws, Statutes, and reasonable Customs of *England*, agreeable to the Usage and Constitution of this Province ; and not delay any Person of Common Right, for any Cause or Pretence whatsoever : And in case any Letters, or other Commandments, shall come to You, contrary to Law, that You do nothing by them, but cause them to be entered on Record, and certify the King, the Lord Proprietor, or the Governour (for the Time being,) of them, and proceed to execute the Law, notwithstanding the same Letters, or Commandments : That you shall hold your Courts according to the Acts of Assembly, and the Directions in your Commission : That you shall do and procure the Profit of the Lord Proprietor, in all Things where you may lawfully and reasonably do the same. And that you shall not debar or hinder the Prosecution of Justice ; nor take any Gift, Bribe or Fee, for delaying, or rendering Judgment ; but shall behave your self justly, honestly and faithfully, to the best of your Knowledge and Understanding, so long as You shall continue in the said Office.

So help you G O D.
And

And be it likewise Enacted, That the same Oath shall be taken by the Members of the Court of Appeals, as Judges to correct Errors in Judgments, and other Proceedings at Common Law, the Justices of the Provincial and County-courts, and the Mayor, Recorder and Aldermen of the City of *Annapolis*, for the Time being, as their proper Oath of Office, to be administered as hath been heretofore used; and that the same be administered to the Members of the Court of Appeals, as Judges to correct Errors in Judgments, and other Proceedings at Common Law; the Justices of the Provincial and County-courts, and the Mayor, Recorder, and Aldermen of the City of *Annapolis*, now in being, by Virtue of, and according to the Directions of the several Commissions, Writs of *Dedimus Potestatem*, or the other Authorities that the late Form of their Oath of Office was administered by: And that after the last Day of *March* next, none of the Members of the Court of Appeals, as Judges to correct Errors in Judgments, and other Proceedings at Common Law, nor the Justices of the Provincial or County-courts, nor the Mayor, Recorder, and Aldermen of the City of *Annapolis*, be capable of acting in their respective Stations, without having first taken and continuing under the Obligation of the said Oath, as their proper Oath of Office, in Manner aforesaid.

Provided, That if the Judges in the High Court of Appeals, Provincial Courts, and Courts of Assize, take the said Oath at any time before they proceed to the Judicial Determination of any Matters of Law in their respective Courts, the same shall be taken as a full Compliance with the Directions of this Act; any thing herein before contained to the contrary, in any wise notwithstanding.

An A C T for Improving the Staple of TOBACCO.

W H E R E A S it is Evident, to this General Assembly, That unless some Provision be made for the Improvement of the Staple of Tobacco, the People of *Maryland*, whose present Dependance is on the Produce of that Commodity, must be inevitably reduc'd, to want common Necessaries, or to fall upon some other Ways and Means, however difficult, to supply themselves:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every labouring Taxable Person, and Overseer, within this Province, have Liberty to tend Seven Thousand Plants of Tobacco, and no more, (except as is hereafter excepted;) and that all Male or Female labouring Persons, above Twelve, and under Sixteen Years of Age, have Liberty to tend Three Thousand Five Hundred Plants of Tobacco, and no more, upon any Plantation or Plantations, in any one Year, during the Continuance of this Act.

Provided always, That all Male Persons, being Housekeepers and Planters, and not having any Taxable Servant or Slave, and all Widows, and all Femies Sole, having Land, and being Housekeepers, and not having more than one Taxable Person, shall have Liberty to tend for themselves Ten Thousand Plants of Tobacco; for every Male or Female labouring Person, between Twelve and Sixteen Years of Age, to them belonging, the Liberty of tending on his or her Plantation, Five Thousand Plants of Tobacco, and no more; and for every white Woman, belonging to such Housekeepers Five Thousand Plants, and no more; and that no such Housekeeper have any

any Allowance for more than Two white Women. And for the better explaining what Sort of labouring Taxables and others, are intended by this Act, to be restrained from making Tobacco,

Be it enacted, and declared, That no Master of a Family, keeping an Overseer, and having Six Taxable Servants or Slaves, that work in Tobacco, or any Master of a Family, keeping no Overseer, having Six Taxable Servants or Slaves, that work in Tobacco, or any Servant or Slave, being a Tradesman, who shall at any Time between the First Day of April and the First Day of September, work at his or their Trade, or Trades, upon the Plantation or Plantations, of his or their Master or Mistress, or shall at any Time or Times whatsoever, work at such Trade or Trades, upon the Plantation or Plantations, of any other Person or Persons, or any Servant or Slave, who shall at any Time between the First Day of April, and the First Day of September, be employed as Coachman, Groom, Waiting-man, Cook, Dairy-maid, or in any other Domestick Office, or Service, in, or about the Dwelling House of his or her Master or Mistress, and white Women, (except as before excepted) shall be allowed to plant any Tobacco.

And be it further enacted by the Authority aforesaid, That the Vestry of every Parish within this Province, shall every Year, during the Continuance of this Act, upon the Fifteenth Day of May, Yearly, (if the same be not Sunday, and if it shall so happen, then on the next Day after,) lay out their respective Parishes into Precincts, and appoint Two Persons in each Precinct, to examine and enquire of the Names, and Number of the Persons hereby allowed to tend Tobacco, and the Crops of the several Planters within the said Precinct, and the Number of Plants growing on any and every Plantation or Plantations within the same, and on the Twentieth Day of the Month of July, Yearly, to begin to cut, or cause to be cut up and destroyed, all Stalks, Slips and Suckers, within such Precinct; and to proceed therein as there shall be Occasion.

Which Persons so appointed, are hereby enjoined, carefully to review and examine all the several Fields and Places, whereon Tobacco shall be tended, within their several Precincts, two respective Times at the least, after the Plants thereon growing, have been by them counted, and as often thereafter as they shall judge necessary, in Order to discover whether any Slips or Suckers shall be turned out or tended, from the Stalks whence any Tobacco-plant hath been before cut; and shall take an Oath, (or Affirmation, if a Quaker) before some Justice of the Peace, of the County wherein they reside; which Oath (or Affirmation, if a Quaker) the said Justice is hereby empowered to administer, in the Words following, *viz.*

“ **I** A B. Do swear, (or affirm) That I will carefully, diligently and truly
 “ examine and enquire of the Names and Numbers of all Persons al-
 “ lowed to tend Tobacco within my Precinct; and truly and faithfully
 “ number and count the Plants growing, or that have been tended on every
 “ Plantation within the same: And faithfully and diligently, will review and
 “ examine all the several Fields and Places, where all such Tobacco-plants are
 “ tended; and cut up and destroy, or cause to be cut up and destroyed, all
 “ Stalks from which any Tobacco shall be cut or taken, and all Slips and
 “ Suckers, growing from or out of the same, above the Height of Nine Inches
 “ from the Ground, and which I shall find standing or growing in any of the
 “ Fields or Places aforesaid, according to the Directions of the Act of Assem-
 “ bly, *For Improving the Staple of Tobacco.* And that I will truly execute
 “ all the Powers and Authorities given by the said Act, and make a just and
 “ true Report of my Proceedings therein, without Favour, Affection, or
 “ Partiality: And that I will make Information of all such Persons who shall
 “ be guilty of any Breach of the said Act, in any Matter or Thing in which a
 “ Counter is required to examine and enquire, to some Justice of the Peace
 for

“ for the County wherein the Offence shall be committed, within one
 “ Month after it shall come to my Knowledge.”

So help me G O D.

And if any Person, appointed by the Vestry of any Parish, to view, examine, and number Tobacco-plants, and to cut up and destroy Tobacco-stalks, Slips and Suckers, in Pursuance of this Act, shall refuse to accept the said Office, and take the Oath beforementioned, (or Affirmation if a Quaker) every Person so refusing, shall forfeit and pay One Thousand Pounds of Tobacco, or Five Pounds current Money : And upon such Refusal, or the Disability of any such Person or Persons, the Vestry of the said Parish shall meet and appoint one other fit Person in the room of him refusing and disabled ; and so from time to time, as often as such Person shall refuse, or become incapable, nominate and appoint one other in his stead ; and every Person so nominated and appointed, that shall refuse to accept the said Office, and take the Oath (or Affirmation as aforesaid) shall forfeit and pay the like Quantity of One Thousand Pounds of Tobacco, or Five Pounds current Money.

And in case the Vestry-men of any Parish shall fail to meet, on the Fifteenth Day of May, or the next Day after, if the Fifteenth Day of May, aforesaid, happen on a *Sunday*, or shall refuse to do his Duty at such Vestry, so that there shall not be a sufficient Number to hold a Vestry, every such Vestry-man, so failing to meet, or refusing to act in such Vestry, shall forfeit and pay the Sum of Twenty Pounds current Money. And such Vestry are hereby required to meet for the Purpose aforesaid, within Seven Days after such Failure : And every Vestry-man who shall then fail to meet, or shall refuse to do his Duty at such Vestry, so that no Vestry is or can be held, shall forfeit and pay the Sum of Thirty Pounds current Money. And to the End the Duty of numbering and examining Tobacco Plants, and the other Services herein beforementioned, may not be neglected thro' the Want of due Notice to the Persons appointed to perform the same.

Be it Enacted by the Authority aforesaid, That the Clerk of the Vestry of each Parish, shall immediately after the Nomination of the Persons appointed for examining and numbering the Plants of Tobacco, deliver to each and every of them, a Copy of the Order for their Appointment, and shall then demand, Whether they will accept of the said Office ? And if any of the Persons so appointed shall refuse, the Clerk of the Vestry shall give immediate Notice thereof, to one of the Church-wardens of the said Parish, who is hereby directed and required, forthwith to call a Vestry to meet on the next *Monday* following such Notice ; which Vestry so called, are hereby directed to nominate and appoint other fit Persons in the room of such as shall refuse the Office of examining and counting the Tobacco-plants as aforesaid : And if any of the Persons nominated as aforesaid, shall afterwards become Disabled, before he hath performed the Duty hereby required of him, the Person joined with him for that Precinct, shall give Notice of such Disability, to one of the Church-wardens of the Parish, within Two Days after the same shall come to his Knowledge : And every Neglect therein, shall be deemed and taken, and be liable to the like Penalty as a Refusal to accept the Office of numbering and examining Tobacco-plants : And, if upon the Refusal or Disability of any of the Persons appointed in any Parish, to examine and number Tobacco-plants as aforesaid, the Vestry of such Parish shall fail to meet and appoint others in the room of those so refusing or disabled, according to the Directions herein beforementioned, every Vestry-man who shall then fail to meet, or refuse to do his Duty at such Meeting, so as no Vestry can be held, shall forfeit and pay the Sum of Thirty Pounds Current Money. And every Church-warden, or Clerk of the Vestry, neglecting or refusing to do what they

they are required by this Act to do and perform, shall, for every such Refusal or Neglect, forfeit the Sum of Twenty Pounds Current Money.

Provided Nevertheless, That if any of the Persons appointed to put this Act in Execution, be hinder'd by Sicknes, or other extraordinary Accident, which he could not prevent, and make the same appear to the County-court, that he shall not be liable to any of the Penalties contain'd in this Act.

And for the Encouragement of the Persons nominated and appointed as aforesaid, for examining and numbering the Plants of Tobacco, and for cutting up and destroying Tobacco-stalks, Slips, and Suckers, in Pursuance of this Act,

Be it enacted by the Authority aforesaid, That there shall be levied on the Taxable Persons in each County, (during the Continuance of this Act,) Five Pounds of Tobacco for every Seven Thousand Plants, and porportionably for a lesser or greater Quantity, which shall be tended and left standing within the said County, to be distributed to the respective Persons appointed by this Act, to view and number the Plants of Tobacco, in Proportion to the Number of Plants viewed and numbered by them in their respective Precincts: Which said Levy of Five Pounds of Tobacco, the Court of each County within this Province, is hereby impowered and required to assess on the Taxable Inhabitants; and the Sheriff, or other Collector of the County Levy, to pay the several Persons to whom the same shall be due, in the Parish wherein they respectively reside; unless such Person shall be content to take the same in some other Parish within the County. And for every Hundred of Tobacco-stalks, which shall have any Sucker or Slip growing thereon, of the Height of Nine Inches from the Ground, which such Person or Persons shall so cut up and destroy, there shall be paid to him or them, by the Owner of such Tobacco-stalks, or his or her Overseer, Twenty Pounds of Tobacco, and so porportionably for a lesser Quantity; to be recovered with Costs, before any Justice of the Peace of the County wherein the said Tobacco-stalks shall be so cut up.

And for the better Direction of the Persons appointed for numbering the Plants of Tobacco, *Be it Enacted by the Authority aforesaid,* That the Two Persons nominated and sworn in each Precinct, shall jointly repair to the several Plantations, and there take the Number of Tobacco-plants, by counting the several Plants contained in every respective Piece of Tobacco-ground in the best Manner, and by such Methods and Rules, as in their Judgment may best discover the true Quantity, having Regard to regular and irregular Pieces of Tobacco-ground.

And if at any time hereafter, any more Plants of Tobacco than are hereby allowed, shall by the Persons appointed to view and number the same, as aforesaid, be found planted or tended, on any Plantation or Plantations, whatsoever, the Owner or Overseer of such Plantation, shall immediately, in the Presence of the Person or Persons appointed to examine and number the same, cut up, or cause to be cut up and destroyed, so many Plants as shall exceed the Number herein before allowed, in such Place or Places of the said Tobacco-grounds, as the said Owner or Overseer shall think fit. And in case the Owner or Overseer of any such Plantation, shall refuse and fail so to do, the said Persons so appointed to examine and number, as aforesaid, be and are hereby impowered and required to cut up, or cause the same to be cut up and destroyed; and shall have and receive as a Reward for so doing, Twenty Pounds of Tobacco, for every Hundred Plants of Tobacco that shall be so cut up and destroyed by them; to be paid by the Owner or Overseer of such Plantation where such Offence shall be committed; and upon due Proof thereof, made by the Oaths of the Persons appointed as aforesaid, shall and may be recovered before any Justice of the Peace of the County where such Offence shall be committed. And the Persons so to be appointed to examine

and number as aforesaid, are hereby required to make a true Report of their Proceedings, and Number of Plants on each Plantation, in their respective Precincts, to the Clerk of the Court for that County wherein the said Precincts respectively lie, on or before the Tenth Day of August Yearly.

And be it further Enacted by the Authority aforesaid, That each Person so appointed and sworn, to examine and number Tobacco-Plants, and to cut up and destroy Stalks, Slips, and Suckers, as aforesaid, failing to make such Report of their Proceedings, as aforesaid, shall forfeit and pay Two Thousand Pounds of Tobacco for every such Offence: And if the said Persons so appointed to examine and number, and to cut up and destroy Stalks, Slips, and Suckers, as aforesaid, shall (knowingly) allow any Person whatsoever, to plant or tend, on his or her Plantation, any more Plants of Tobacco than are herein and hereby before allowed, or to tend any Seconds, Slips, or Suckers; each Person so offending, shall forfeit and pay Two Thousand Pounds of Tobacco for every such Offence.

And be it further Enacted, by the Authority aforesaid, And it is hereby Enacted, That the Clerk of every County-court, shall (without Fee or Reward) fairly transcribe all such Reports as shall be returned to him by the Persons appointed in Pursuance of this Act, for numbering of Plants of Tobacco, and shall set up the same in the Court-house of the said County, at the two next succeeding Courts after such Return, so as the same be made Three Days at least before the Court Day; and shall also file and keep the original Reports in his Office: And where it shall so happen, that any Parish shall lie in two Counties, in such Case a Return shall be made of the Number of Plantations and Plants in each County, to the Clerk of the County wherein such Plantations shall lie, to be transcribed and set up and filed by the Clerk of such County, in Manner aforesaid; and the Clerk of any County, failing to do his Duty herein, shall forfeit and pay one Thousand Pounds of Tobacco.

Provided always, That where any Plantation shall be in two Parishes, the Tobacco-plants tended thereon, shall be accounted and taken to be within that Parish or Precinct where the Servants or Slaves employed thereon, do reside, or the Quarter for them is situated; and the Persons appointed within that Precinct where such Quarter stands, and no other, shall view, examine, count and make Return of the Tobacco-plants tended on such Plantations accordingly.

Be it Enacted, by the Authority aforesaid, That all Masters of Families and Housekeepers, and all Overseers of distant Plantations, shall give in to the Constables appointed to take the List of Taxables Yearly, when they give in an Account of their Taxables, a true Account of the Names of every Person above Twelve, and under Sixteen Years of Age, for whom any Benefit of tending Tobacco is allowed by this Act; and shall so distinguish in his or her List of Taxables, which of the Persons therein mentioned are allowed to tend Tobacco, as aforesaid. And every Master of a Family, Housekeeper, or Overseer, failing so to do, shall forfeit and pay One Thousand Pounds of Tobacco for each Person: And if any Person shall list or enter with the said Constable, any Person under Sixteen Years of Age for a Taxable, or that is under Twelve Years of Age, to be above that Age, or a Labourer in his or her Crop, who is not hereby allowed to tend Tobacco; in either Case the Person so offending, shall forfeit and pay One Thousand Pounds of Tobacco, for every such Person so falsely entered or listed: And every Constable who shall be hereafter appointed to take the List of Taxables, is hereby directed and required to take and make separate Lists of the Names of all such Persons above Twelve, and under Sixteen Years of Age; and shall return such Lists in the same Manner as the List of Taxables are returnable, to the Clerk of each respective County-court, at or before the Fifteenth Day of May,

(7)
May, Yearly, during the Continuance of this Act; and shall make such Distinction in the List of Taxables, by him returned, of the Persons not prohibited by this Act to tend Tobacco.

And be it further Enacted, by the Authority aforesaid, That each Person to be appointed, in Pursuance of this Act, to examine and number Plants, as aforesaid, who shall plant and tend more Tobacco-plants, on any Plantation or Plantations to him belonging, than is herein before allowed, shall, for every such Offence, forfeit and pay One Thousand Pounds of Tobacco for every Person above Twelve Years of Age, on his Plantation, that shall be employed in making Tobacco. And if any Master, Mistress, or Overseer, shall refuse to give a just and true Account, or shall deliver a false Account of the Names of the several Persons by this Act allowed to tend Tobacco on their said Plantation or Plantations, and to shew all the Tobacco planted thereon, or remaining in any Tobacco-beds or Plant-patches, to the Persons appointed to view the same; every Master, Mistress, or Overseer, so refusing, or giving a false Account, shall forfeit and pay One Thousand Pounds of Tobacco for every Person above Twelve Years of Age, employed in making Tobacco on any such Plantation that Year.

And be it further Enacted, by the Authority aforesaid, That where any Suit shall be brought for the Penalties in this Act contained; for Entering or Listing any Person under Sixteen Years of Age, a Taxable, or that is under Twelve Years, to be above that Age, the Age of the Person so Listed, shall be proved and determined by the Parish Register, or by the Order of the Court, in case the Age of such Person hath been formerly judged there; or by the Inspection of the Court, upon the Trial, and not otherwise.

And be it further Enacted, by the Authority aforesaid, That no Person or Persons whatsoever, shall transfer or make over, to any other Person or Persons, any Tobacco-plants, which he, she or they shall have growing on his, her or their Plantation or Plantations, above the Quantity or Quantities allowed by this Act to be tended; or shall be allowed to tend, for any labouring Taxable, or Worker in Tobacco, any Number of Tobacco-plants whatsoever, in any other Precinct than where such Taxable or Worker in Tobacco was listed.

And be it further Enacted, That all Penalties and Forfeitures in this Act; shall be applied to the Uses, and recovered in the Manner following, that is to say, The Moiety of all the Penalties to him or them that will prosecute or sue for the same; and the other Moiety to defray the County Charge where the Offence shall be committed. And that all Penalties, not exceeding Four Hundred Pounds of Tobacco, shall be heard, try'd and determin'd by a Justice of the Peace, as in case of small Debts. And that all Penalties and Forfeitures exceeding Four Hundred Pounds of Tobacco, shall be recoverable in the respective County Courts, where the Offence shall be committed, by Action of Debt, Bill, Plaint, or Information, Presentment or Indictment; wherein no Esloyn, Protection, or Wager of Law, shall be allowed.

And be it further Enacted, That the Magistrates of the County-courts, shall give in Charge to the several Grand-Juries, to inquire into the Behaviour of all Persons appointed to put this Act in Execution; and the Court may, upon any Presentment by the Grand-Jury, if they think fit, oblige the Party presented, to answer such Presentment, without any formal Indictment; and that if upon Confession or Verdict, the Party shall be convict, or that if the Party shall be convict on any Action, Bill, Plaint, Information, or Indictment, the Court shall proceed to Judgment, which Judgment shall be final; and no Writ of Error or Appeal allowed therein, nor any Advantage taken or allowed, for any Defect, or Want of an Indictment, or any other Form in the Proceedings; any Law, Usage or Custom to the contrary, notwithstanding.

And

And for the Ease of the People, in paying and discharging all Publick and County Levies, Parochial and other Charges, assessed and levied on the People, and Lawyers Fees, payable in Tobacco, during the Continuance and Effect of this Act, and of all Tobacco Debts that shall be due and owing on the Tenth Day of *August*, next ensuing, for any Debt contracted before the End of this Session : *Be it Enacted*, That all Persons being indebted as aforesaid, for Publick and County Levies, Parochial and all other Charges assessed and levied on the People, (except accidental Charges to be allowed during the Continuance and Effect of this Act, wherein Care may and ought to be taken at the same time the Allowance shall be made) and Lawyers Fees, may pay the Whole, or any Part thereof, at Ten Shillings Current Money *per Cent*; and so in Proportion, at or before the Tenth Day of *April*, Yearly, during the Continuance of this Act ; or Three Fourth Parts thereof, in Tobacco in Specie, in full Discharge and Satisfaction of the Whole, at the Choice of the Debtor:

And that all Persons being indebted in Tobacco, to any of the Inhabitants of this Province, at or upon the Tenth Day of *August* next ensuing, for any Debt contracted before the End of this Session of Assembly, and which shall not be payable 'till some Time afterward ; it shall and may be lawful for the Debtors, in all such Cases, during the Continuance of this Act, to pay Three Fourths of such Tobacco, in Lieu of the Whole:

And be it Enacted, That the several Sheriffs, shall and may, by Virtue of this Act, have until the last Day of *June*, Yearly, during the Continuance and Effect of this Act, to return the several Lists of Officers and Lawyers Fees, and other Publick and County Allowances, and other Tobacco Demands ; and to make their Accounts thereof : And that the several Sheriffs returning the said Lists, and making up the said Accounts, at or before the last Day of *June*, Yearly, as aforesaid, shall be deem'd as full a Compliance with their Duty, in that Particular, as if the said Returns had been made, and Accounts made up, by the Tenth Day of *May* ; any Law, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, That all Persons, paying Money, in Discharge of Tobacco, or Three Fourths of their Tobacco-Debts in Specie, as aforesaid, shall be fully exonerated and acquitted from the Whole, by Virtue of this Act.

And be it likewise Enacted, That all Debtors, tendering Money, or Three Fourths in Tobacco, according to the Directions of this Act, shall have the same Benefit and Advantage, as in case of a Tender of the Whole in Specie.

Provided always, and it is the true Intent and Meaning of this Act, That no Deduction or Allowance shall be made for any of the aforesaid Tobacco-debts, that are due and payable, and shall be paid out of the present Crop now made : But that all such Debts shall be and remain under the same Circumstances as they would have been, had this Act never been made.

This Act to continue till the last Day of *May*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Thirty Two.



(9)
An ACT to repeal an Act, entituled, An Act prohibi-
biting the Importation of Bread, Beer, Flour, Malt, Wheat or other Indian or English Grain, or Meal; Horses, Mares, Colts, or Fillies; from Pensilvania, and the Territories thereto belonging.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, the Upper and Lower Houses of Assembly, and by the Authority of the same, That an Act of Assembly, made at a General Assembly, begun and held at Annapolis, the Six and Twentieth Day of April, in the First Year of the Reign of GEORGE the First, late King of Great-Britain, &c. Entituled, *An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other Indian or English Grain, or Meal; Horses, Mares, Colts, or Fillies, from Pensilvania, and the Territories thereto belonging;* shall be and is hereby repealed, abrogated, and made null and void.

A Supplementary Act to the Act, entituled, an Act relating to Servants and Slaves.

WHEREAS by the Act of Assembly relating to Servants and Slaves, there is no Provision made for the Punishment of Free Mulatto Women, having Bastard Children by Negroes and other Slaves; nor is there any Provision made in the said Act, for the Punishment of Free Negroe Women, having Bastard Children by White Men: And forasmuch as such Copulations are as unnatural and inordinate, as between White Women and Negroe Men, or other Slaves,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Sessions of Assembly, that all such Free Mullato Women, having Bastard Children, either within or after the Time of their Service, and their Issue, shall be subject to the same Penalties that White Women and their Issue are, for having Mulatto Bastards, by the Act entituled, *An Act relating to Servants and Slaves.*

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the End of this present Sessions of Assembly, that all Free Negroe Women, having Bastard Children by White Men, and their Issue, shall be subject to the same Penalties that White Women are, by the Act aforesaid, for having Bastards by Negroe Men.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the same Method of Proceeding to Judgment, upon any Matter within this Act, be the same as is prescribed by the Act, entituled, *An Act relating to Servants and Slaves.*

A Supplementary ACT to the Act, entituled, an Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintainance of Ministers.

WHEREAS by the Act entituled, *An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintainance of Ministers,* Select Vestries in each Parish of this Province, are directed to be chosen in the Manner, and with the Qualifications mentioned

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mentioned by the said Act, and Two new Vestry-Men Annually chosen, in the Place of two others, who should be left out : But that no Provision is made by the said Act for obliging such Person or Persons who should be chosen by Virtue of the aforesaid Act, as a Vestry-Man or Vestry-Men, to serve and act in the Duty and Office of a Vestry-Man or Vestry-Men ; nor any Directions prescribed by the said Act, in what Order or Method the two Vestrymen directed by the said Act to be Annually left out, should be so left out,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons, shall, after this Sessions of Assembly, be chosen and elected by Virtue of the aforesaid Act, as a Vestry-Man, or Vestry-Men, in any Parish of this Province, and being so chosen, or elected, shall (after convenient Notice thereof to him or them given, by the Register of the respective Parish or Parishes, where he or they shall be so chosen and elected, as aforesaid,) refuse or neglect to repair to, and be present at the next Meeting of such Vestry or Vestries, and there qualify him or themselves, as such Vestry-Man or Vestry-Men, without a reasonable Excuse, after such Notice given to them as aforesaid ; and Notice of such Meeting to be given to him or them by the said Register, who is hereby directed and required to give such Notice, under the Penalty and Forfeiture of One Thousand Pounds of Tobacco ; that then every Vestry-Man so refusing or neglecting as aforesaid, shall forfeit and pay the Quantity of One Thousand Pounds of Tobacco ; and the two Vestry-Men mentioned by the said Act, to be Annually left out, shall, and are hereby directed to be the two eldest Vestry-Men ; and which said two Vestry-Men so left out as aforesaid, or either of them, shall not be liable to be chosen, or obliged to serve as a Vestry-Man or Vestry-Men, for the Space of Three Years ensuing the Time of their being left out, as aforesaid.

And it is hereby further Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for the Vestry or Vestries, and they are hereby impowered and directed to proceed to the Choice and Election of some other Person or Persons to be Vestry-Man or Vestry-Men, in the Place or Stead of such Person or Persons so chosen Vestry-Man or Vestry-Men, and refuseing or neglecting as aforesaid : And the former Choice of such Person or Persons as Vestry-Man or Vestry-Men refuseing or neglecting, shall be void, and of none Effect.

And it is hereby further Enacted, by the Authority aforesaid, That the Minister, Rector, and Incumbent of each Parish, in this Province, shall, for his or their Neglect to meet, and Non-Attendance at the Vestry or Vestries hereafter to be held, in his or their Parish or Parishes, without a reasonable Excuse, be liable to, and incur the same Penalties and Forfeitures as a Vestry-Man or Vestry-Men are liable to, by Virtue of the aforesaid recited Act, for his or their Non-Attendance, or Neglect to meet at his or their Vestry or Vestries ; to be recovered in the same Manner as such Penalties and Forfeitures are to be recovered by Virtue of this Act.

And whereas, by the aforesaid recited Act, no Method of Prosecution is directed for the Recovery of the Fines and Penalties by the said Act imposed on a Vestry-Man or Vestry-Men, Church-Warden or Church-Wardens, Register or Registers, and every Person refuseing or neglecting to register any Birth, Marriage or Burial, Be it therefore hereby Enacted, by the Authority aforesaid, That the Fines and Penalties, in the aforesaid recited Act, mentioned to be imposed on a Vestry-Man or Vestry-Men, Register or Registers, or any Person refuseing or neglecting to Register any Birth, Marriage or Burial, shall and may be recovered before any one Justice of the Peace for the said County, where such Offence shall be committed.

And it is hereby further Enacted, by the Authority aforesaid, That the Fine or Fines, by this Act imposed on the Vestry-Man so refusing or neglecting as aforesaid, and on the Register as aforesaid, and by the aforesaid recited Act, on the Church Wardens, shall and may be sued for and recovered, by Information, in the Court of the County where such Offence shall be committed; wherein no Essoyn, Protection, or Wager of Law shall be allowed: The same Fine or Fines, to be for the Use and Support of the County or Counties, in which the said Offence or Offences shall be committed. And every and each acting Vestry-Man, or Register, is hereby required to make Information to the next County-Court, after such Neglect or Refusal of the Vestry-Man or Vestry-Men elected as aforesaid, or Neglect or Refusal of the said Register as aforesaid, in Order for the Recovery of the Fine or Fines, imposed by this Act: And the Justices of the said County-Court so informed, shall, and may, and are hereby directed and authorized, to order a Prosecution in the Manner aforesaid; to be had against such Vestry-Man or Vestry-Men, Register or Registers, Church-Warden or Church-Wardens, refusing or neglecting as aforesaid. Provided always, That the Power and Authority, by the aforesaid recited Act, and this present Act, given to the Vestry or Vestries, for the Election of a Vestry-Man or Vestry-Men, Church-Warden or Church-Wardens, and the Fines and Penalties by this Act, and the aforesaid recited Act, imposed on the Vestry-Man or Vestry-Men, Register or Registers, Church-Warden or Church-Wardens, refusing or neglecting the Office and Duty required of them by the aforesaid recited Act, and this present Act, shall not be construed or understood to make any Person or Persons, liable to such Choice or Penalties, who shall be publicly known to be of any Profession in Religion, different from that of the Church of England, established by Law: Any Thing in this Act herein before, or in the said recited Act contained, to the contrary thereof, in any wise, notwithstanding.

*An A C T Reviving and Continuing an Act of
Assembly of this Province, entitled, An Act for the better Relief of poor Debtors.*

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That the abovementioned Act, entitled, An Act for the better Relief of poor Debtors, made at a Session of Assembly, begun and held at the City of Annapolis, the Ninth Day of October, Anno Domini Seventeen Hundred and Twenty Two; be and is hereby Revived and Continued, to be and remain in full Force, for and during the Term of Three Years, from the End of this Sessions of Assembly, and to the End of the next Sessions of Assembly which shall happen after the said Three Years.

*An A C T to encourage the destroying of Wolves,
Crows, and Squirrels.*

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Commencement of this Act, every Master, Mistress, Owner of a Family, or single Taxable, in the several and respective Counties within this Province, shall be, and are by this Act obliged,

liged, Yearly, (at some Time before the Laying their County Levies,) to produce to some one of the Justices of their County, three Squirrel Scalps or Crows Heads, for every Taxable Person they shall pay Levy for, that Year; and the Justices of the Peace, before whom such Squirrels Scalps or Crows Heads shall be brought, shall be, and is hereby obliged to destroy such Squirrels Scalps and Crows Heads, as shall be so produced to him, to prevent their being produced a second Time; and give such Person a Certificate under his Hand, certifying the Number of Squirrels Scalps and Crows Heads, such Person brought before him; which Certificate, the Person obtaining the same, shall lay before the Justices of their County, at the Time of the Laying their County Levy; and the Justices shall then cause a List of the Taxables of their County, to be laid before them, in order from thence to compare the Number of Taxables each Person pays in the County, with the Certificates produced, that thereby it may be found, what Persons have complied with this Act, and who have failed therein.

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That every Person that shall fall short of produceing a Certificate of Squirrels Scalps or Crows Heads, in proportion to their Taxables, according to the Directions of this Act, the Justices of the several and respective County Courts within this Province, at the Time of laying the County Levy, are hereby impowered and required, for each Squirrel Scalp or Crows Head, such Person shall fall short, in manner aforesaid, to Levy upon such Person, the Sum of Two Pounds of Tobacco; to be upon Execution, and Collected by the Sheriff of the County, in the same Manner as the Publick and County Levies, are to be applyed, toward defraying the County Charge.

And be it further Enacted by the Authority, Advice and Consent aforesaid, That every Person that shall bring to any Justice of the Peace within this Province, the Heads or Scalps of any more Squirrels or Crows, than the Three for each Taxable, by this Act required, shall for every such Head or Scalp, be allowed in the County Levy, where such Squirrel or Crow was killed, the Sum of Two Pounds of Tobacco; and the Justice of the Peace before whom such Heads or Scalps shall be brought, is hereby required to give the Person bringing the same, a Certificate thereof; and cause the said Heads and Scalps to be burnt, or otherwise destroyed.

Provided always, That no Person whatsoever, shall be entituled to any Allowance for any Squirrels or Crows Heads or Scalps, without first making Oath (or Affirmation if a Quaker,) or otherwise make appear, that such Squirrels or Crows were killed after the Commencement of this Act, and in the County where the Allowance is prayed.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Sum of Two Hundred Pounds of Tobacco, shall be allowed to every Person that shall bring a Wolf's Head to any Justice of the Peace, in that County-Levy where the Wolf was killed: And the Justice of the Peace before whom any Wolf's Head is brought, shall cause the Tongue thereof to be cut out, and Ears to be cropt, that it may not be presented again: And the several County-Courts within this Province, are hereby required and impowered to levy the several Sums of Tobacco, by this Act to be allowed, in their County Levies, upon their several and respective Counties.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That from and after the Commencement of this Act, it shall not be lawful for any Justice or Justices of the Peace, within any of the several Counties within this Province, to whom any Wolves Heads, other than those killed by an *Indian*, shall be brought, and Application made, by any Person or Persons whatsoever, for a Certificate thereof, to entitle him or them to the Allowance in this Act, mentioned in the County Levy, unless he or they do first declare, upon their Corporal Oath, to be administred by such Justice or Justices so applied to, (or Affirmation by the People called *Quakers*,) That
such

such Wolf or Wolves, whereof those are the Heads, were actually killed in that County, where they pray for such Allowance; and further, that no Certificate (in order to be allowed in any the several Counties within this Province,) shall be given by any the Justices aforesaid, for any Wolves Head or Heads, that shall be brought before them, by any Indian, or that has been bought of any Indian, by any Person whatsoever, unless such Wolves Head or Heads be brought before such Justice or Justices, whole and entire, and that they appear to such Justice to be green, and fresh killed.

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That this Act, shall commence from the Fifteenth Day of December next after the End of this Session of Assembly; and that thenceforth all Laws heretofore made, in Relation to Wolves, Squirrels, and Crows; be and are hereby repealed, abrogated, and made null and void.

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That every Person that shall, during the Continuance of this Act, presume upon any Pretence whatsoever, to come to hunt with Guns or Dogs, within any Inclosed Grounds, Islands, Peninsula's, or Necks fenced across from Water to Water, without Leave or Licence from the Proprietors thereof, first had and obtained, shall for every such Offence, forfeit and pay to the Party grieved, the Sum of Two Hundred Pounds of Tobacco, to be recovered before a Single Magistrate, in the same Manner as small Debts now are recoverable. Any Law, Statute, or Usage to the contrary notwithstanding.

An A C T to supply some Defects in the Act, Entitled,

An Act for the Encouragement of Learning, and erecting Schools in the several Counties within this Province. And also to explain An Act, entitled An Act, for laying an Additional Duty of Twenty Shillings Current Money per Poll, on all Irish Servants being Papists, to prevent the Growth of Popery, by the Importation of too great a Number of them into this Province; And also the Additional Duty of Twenty Shillings Current Money per Poll on all Negroes, for Raising a Fund for the Use of Publick Schools within the several Counties of this Province.

WHEREAS by the Act, entitled, *An Act for the Encouragement of Learning, and erecting Schools in the several Counties within this Province*, Direction and Powers are given for the Nomination and Choice of any Person or Persons, in the Room and Place of any Visitor or Visitors, dying or removing out of the County; but no Provision is made by the said Act, for the turning out and supplying the Place of any Visitor or Visitors, wilfully neglecting or refusing to act in the Duty and Office of a Visitor; by which Means several Inconveniencies, and much Damage have and may happen to the Schools: For Remedy whereof,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in case any of the Visitors of the said Schools, shall hereafter wilfully and obstinately refuse or neglect to meet, and be present, at any of the Times appointed for the Meeting of the said Visitors, so that the necessary Affairs of the said School or Schools, cannot be transacted and directed, that then it shall and may be lawful for the Visitors of each School, or the major Part of such Visitors, who shall so meet, are hereby directed and impowered to nominate and choose one or more of the principal and better Sort of the Inhabitants of the County, into the Place and Room of the said Visitor so refusing or neglecting as aforesaid; which Person or Persons so elected and chosen, from Time to

Time, are always to be qualified in the same Manner, as is directed for the Qualification of Visitors, by the said recited Act.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Master of every Publick School within this Province, shall and is hereby required to teach as many poor Children gratis, as the Visitors or the major Part of them of the respective Schools shall order, or be immediately discharged and removed from his Trust, in the said School, and a new Master put in.

And whereas, Some Doubts have arisen on the Explanation, and Construction of an Act, entituled, An Act, for laying an Additional Duty of Twenty Shillings Current Money per Poll, on all Irish Servants, being Papists, to prevent the Growth of Popery, by the Importation of too great a Number of them into this Province. And also the Additional Duty of Twenty Shillings Current Money per Poll on all Negroes, for Raising a Fund for the Use of Publick Schools within the several Counties of this Province; Whether the Twenty Shillings Current Money thereby imposed on Irish Servants, being Papists, and Negroes, Imported into this Province, by Land or Water, were intended by the said Act, or should be construed to be imposed on such Irish Servants, being Papists, and Negroes, as have been or shall be Imported in any Ship or Vessel built in this Province, whereof the Owners have been or shall be actually Residents in this Province, or in any Ship or Vessel, English, or Plantation-built, purchased, enjoyed or held, by Owners Residents within this Province,

Be it therefore Declared, and it is hereby Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Ship or Vessel, whereof all the Owners have been (or shall be) actually Residents of this Province; or no Ship or Vessel, English, or Plantation-built, purchased, enjoyed, and held by Owners Residents within this Province, shall be construed to have been, or shall hereafter be discharged, and not liable to the Payment of the aforesaid Duty of Twenty Shillings Current Money per Poll on all Irish Servants, being Papists, and all Negroes imported into this Province, in such Ship or Vessel: Any Law or Usage to the contrary thereof, in any wise notwithstanding.

An ACT to appropriate Part of the Land laid out, in the City of Annapolis, for the Building a Custom-House on, to and for the Building a Market-House.

WHEREAS by an Act, entituled, *An Act for erecting Anne-Arundel and Oxford Towns, into Ports and Towns*, Commissioners were appointed, and Powers to them given, to purchase, survey, and divide, One Hundred Acres of Land, into convenient Streets, Lanes, and Allies; with other spare Places to be left, on which might be a Church, Chappel, Market-house, or other publick Building: According to which Powers, Land hath been left in the said City, not only for a Market-place, but for a Custom-house.

And whereas the Land design'd for a Market-place, in the said City, is not so convenient for the same, as Part of the Land design'd and allotted for a Custom-house; and which, at present, lies useless and unimproved:

And whereas, on a Survey made, and reported to this General Assembly, it appears, that the Land design'd and allotted for the building of a Custom-house on, is contained by Two Hundred and Ten Feet in Breadth on the Water, and Three Hundred and Sixty Feet in Length, and Eighty Two Feet in Breadth, on the Head of the said Land; which is not only sufficient, and enough for that Use, but also for the building of a Market-house there-

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice, and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Sixty Feet in Breadth on the Water, and Three Hundred and Sixty Feet in Length, and Twenty Five Feet on the Head of the said Land so allotted, and designed for a Custom-house, as aforesaid, and lying on the Northerly Side of the said Land, shall and may be surveyed, laid out, and marked, by Henry Ridgley, Mordecai Hammond, and John Welch, of Anne-Arundel County, Gent. or any Two of them, who are hereby authorized and impowered, to survey, lay out and mark the same, and to return a Certificate thereof, to the Mayor's Court of the said City, to be recorded, for the building a Market-house on; and that the Incorporate Body Politick of the said City of Annapolis, and their Successors, shall be hereafter seized of an Estate of Fee-simple, in and to all the said Sixty Feet of Land in Breadth on the Water, and Three Hundred and Sixty Feet in Length, and Twenty Five Feet in Breadth, at the Head of the said Land, so to be Surveyed, laid out and mark'd, and a Certificate returned as aforesaid, for the Use and Benefit of the said Corporation, for and to the Purposes aforesaid: Any Law, Statute, Usage or Custom to the Contrary thereof, in any wise notwithstanding.

Provided, That the said Incorporate Body Politick, build or cause to be built, a Market-house on the said Land, within Two Years after the same shall be so surveyed, marked, and laid out, as aforesaid,

And it is hereby further Enacted, That the said Incorporate Body Politick, shall have full Power and Authority, to sell, alien and dispose, in the Manner they shall think fit, for the best Price which may be got for the same, all that Land formerly laid out, allotted, and left Vacant, for the Building of a Market House as aforesaid; and that the Money or Tobacco, so to be raised by Sale thereof, shall be, and is hereby directed to be applyed towards the Building of the Market-house, intended by this Act, to be built on the Land to be surveyed, laid out and marked, by Virtue of this Act, as aforesaid.

An ACT repealing Part of an Act, entituled, an Act concerning Tobacco, made at a Session of Assembly, begun and held at the City of Annapolis, on Tuesday the Tenth Day of October, Seventeen Hundred and Twenty Seven.

FORASMUCH as Part of the said Act, entituled, *An Act concerning Tobacco*, is thought needless, and a Burthen upon Trade:

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That one Clause of the said Act, giving an Allowance for the Hoghead, of Eight per Cent, from the Buyer to the Seller, for the neat Weight of the Tobacco contained in such Hoghead. And one other Clause of the said Act, preventing making Seconds, and cutting up Tobacco Stalks in Twenty Days after the Tobacco should be cut down, and housed. And one other Clause of the said Act, preventing Tobacco Seed to be sowed in Hills. Also one other Clause of the said Act, requiring the Sellers or Payers-away of Tobacco, to roll the same; be and are hereby repealed.

And be it further Enacted by the Authority aforesaid, by and with the Advice, and Consent aforesaid, That the Allowance for the Hoghead from the Buyer of Tobacco to the Seller, shall be Eight Pence Current Money of Maryland, or Six Pounds of Tobacco, at the Election of the Buyer, for every Hundred Weight of Tobacco the Hoghead shall contain, which shall be in full Satisfaction of the Hoghead:

Hoghead: Any Law, Statute, Usage, or Custom to the contrary notwithstanding:

An ACT for destroying Bears in Somerset County.

FORASMUCH as it is represented to this General Assembly, That the Inhabitants of Somerset County are much oppressed by Bears,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Person that shall bring to any Justice of the Peace, in Somerset County, the Head of a Bear that was killed in the said County, shall be allowed in the Levy of the said County, One Hundred Pounds of Tobacco; which said Sum of One Hundred Pounds of Tobacco, for each Bear that shall be so killed, the Justices of the said County, are hereby required and impowered to levy upon the said County. And to prevent a double Allowance for one Bear, the Justice before whom any such Bear's Head shall be brought, is hereby required to cause the Ears thereof to be cut off, and its Tongue to be cut out; and to give a Certificate thereof to the Party producing the said Head.

Provided always, That it shall not be lawful for any of the Justices of the County aforesaid, to give any Certificate for any Bear's Head (other than what shall be kill'd by an *Indian*) before the Party producing the same, shall make Oath (or Affirmation, if a *Quaker*,) that the Bear, for which the Certificate is desired, was kill'd in the County aforesaid, after the making this Act; nor to give a Certificate for the Head of any Bear killed by an *Indian*, unless the said Head be brought to him whole and entire, and that it appear to be green, and fresh kill'd: Any Thing herein contained to the contrary thereof in any wise notwithstanding. This Act to continue in Force for Three Years, and from thence 'till the End of the next Session of Assembly, which shall happen after the said Three Years.

An ACT impowering the Justices of Calvert County,

to finish the Court-House of that County, by an Assessment on the Inhabitants thereof: As also for the Relief of John Critchard, and William Kidd, two of the Builders of the said Court-House.

WHEREAS John Critchard, and William Kidd, by their Petition to this General Assembly, have set forth, that they are greatly damnified by their Undertaking to build the New Court-house in Calvert County; and have prayed Leave to bring in a Bill to impower the Justices of the said County, to cause to be levied on the Taxable Persons within the said County, what this General Assembly shall think sufficient for their Relief:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Calvert County-court, do cause to be levied on the Taxable Persons within the said County, by an equal Assessment, any Sum of Tobacco they think fit, not exceeding the Quantity of Seven Thousand Pounds of Tobacco, next November County-court, if they shall think proper; or partly then, and partly November Court, Seventeen Hundred and Twenty Nine; which said Tobacco to be levied, shall be collected by the Sheriff of the said County; and when collected, shall, by the said Justices, be appropriated to the Finishing and Painting the said Court-house, in such Manner as they shall think fit.

And

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices of Calvert County, have full Power and Authority to lay a further Assessment on the Taxable Persons of Calvert County, to be levied by equal Assessment, and collected by the Sheriff of the said County, for the Time being, in Manner before-mention'd, a certain Quantity of Tobacco, for the Relief of the said John Critchard, and William Kidd, not exceeding the Quantity of Eleven Thousand Pounds of Tobacco; which said Tobacco, when collected, shall be applied by the said Justices, or the major Part of them, to the Use of the aforesaid John Critchard, and William Kidd, as a Compensation to the said Critchard, and Kidd, for what they have deserv'd, besides what they have receiv'd.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the said Justices are hereby required to allow to the Sheriff, or Sheriffs, who shall collect the Tobacco, so as aforesaid to be assessed, his or their usual Salary, out of the aforesaid Eleven Thousand Pounds of Tobacco.

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Place whereon the said Court-house now stands, shall, from henceforth, be call'd and known by the Name of Prince Frederick Town.

An A C T for dividing of St. Paul's Parish, in Queen Anne's, and Part of Talbot County.

WHEREAS it is represented to this present General Assembly, by the Parishioners of St. Paul's Parish aforesaid, That the said Parish is of too large Extent to be served by One Minister, consisting of Eighteen Hundred Taxables, the Forty per Poll whereof, amounts to Seventy Two Thousand Pounds of Tobacco, besides Perquisites. And therefore the said Parishioners of St. Paul's Parish aforesaid, humbly prayed, that the said Parish might be divided according to the Report of the Commissioners heretofore appointed by Order of the Upper and Lower Houses of Assembly, in Manner following, *viz.* That all the Land above the North-East Side of Courseca Creek, and the North-East Side of the Eastermost Branch thereof, commonly known by the Name of the Three Bridges, and running up the said Branch, through the Dwelling-Plantation of Mr. Edward Wright, to the Head thereof; thence down with a Branch call'd Smith's Branch, to a Branch of Tuckahoe, and with that Branch to the Main Branch of Tuckahoe Creek; and from the aforesaid Main Branch, with a Line drawn South-East to Choptank River, the South-West Side of said Courseca Creek, Branches, and Line above-said; containing about One Thousand Taxables, which yield Forty Thousand Pounds of Tobacco, *per Annum*, besides Perquisites; be hereafter reputed and taken as the full Extent of St. Paul's Parish aforesaid. And that the North-East Side of Courseca Creek, Branches, and Line aforesaid, containing about Eight Hundred Taxables, and yielding about Thirty Two Thousand Pounds of Tobacco, *per Annum*, might be erected into a new Parish.

And whereas the Rev. Mr. Christopher Wilkinson, the present Incumbent of St. Paul's Parish aforesaid, having had due Notice thereof, and making no material Objections against the Passing of an Act, as above-pray'd: And forasmuch as the Prayer of the Petitioners aforesaid, is thought reasonable by this present General Assembly, to be granted as pray'd,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper

and Lower Houses of Assembly, and the Authority of the same, That from and after the First Day of December next ensuing, viz. The said Land to the North-East Side of Courseca Creek, and the North-East Side of the Eastermost Branch thereof, commonly known by the Name of the Three Bridges, and running up the said Branch, through the Dwelling-Plantation of Mr. Edward Wright, to the Head thereof; thence down with a Branch call'd Smith's Branch, to a Branch of Tuckahoe; and with that Branch, to the Main Branch of Tuckahoe Creek; and from the aforesaid Main Branch, with a Line drawn South-East, to Choptank River, shall be taken from St. Paul's Parish aforesaid, in Queen-Anne's County aforesaid, and be erected into a new Parish, and call'd by the Name of St. Luke's Parish; and shall, from and after the Time aforesaid, by Virtue of this Act, be deemed, adjudged, reputed and taken for St. Luke's Parish, and not as Part or Parcel of the said St. Paul's Parish aforesaid: And that the Boundaries aforesaid, shall always be deemed, taken, and reputed as the Undoubted Boundaries to divide the Parish aforesaid. And that the Inhabitants of the said St. Luke's Parish, shall have and enjoy all Benefits and Priviledges, Power and Authority, in every Respect, equal with any Inhabitants of any other Parish within this Province, heretofore had, or hereafter may have.

And further, Giving to the several Free-holders of St. Luke's Parish aforesaid, at a certain Day to be appointed by them, full and ample Power to elect and make Choice of the Number of Six select Vestry-Men, at least, and Two Church-Wardens; and also to build and found a Church therein: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of Queen Anne's County, upon Application to them made, by the Vestry of St. Luke's Parish aforesaid, to cause to be levied in such Manner as the Publick and County Levies are levied upon the Taxable Persons in the said Parish, so much Tobacco as will enable the said Parish to build a Church; so that the said Sum to be levied for that Use, do not exceed the Sum of Thirty Thousand Pounds of Tobacco: Any Law, Statute, Usage, or Custom to the contrary thereof, notwithstanding.

An ACT for the better Regulating the Parishes in St. Mary's and Charles Counties.

WHEREAS it is represented by the Inhabitants of St. Mary's and Charles Counties, and is made appear to this present General Assembly, That the present Parishes in the Counties aforesaid, are so laid out, that they are very Inconvenient, both to the Incumbents, and Parishioners: To prevent which, and for the better Regulating the said Parishes, it is prayed that it may be Enacted,

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Nicholas Lowe, Esq; Col. Thomas Trueman Greenfield, Mr. Philip Key, Mr. George Clark, Mr. Samuel Williams, Capt. John Hicks, and Mr. John Leigh, of St. Mary's County, Gent. And Col. John Fendall, Mr. John Courts, Capt. George Dent, Mr. Randolph Morris, Mr. Henry Holland Hawkins, Mr. John King, and Doctor Gustavus Brown, of Charles County, Gentlemen, be by Virtue of this Act appointed Commissioners, to Regulate and Divide the several Parishes, within the said Counties; which said Commissioners, or the major Part of them, are hereby required, on the First Tuesday in July next ensuing, to meet at Bird's Creek Bridges; and at such Meeting, they are

are hereby authorized and impowered to proceed to the Regulating the several Parishes in the said Counties, after such Manner as to them, or the major Part of them, shall seem most to the Ease and Convenience of the Inhabitants of each respective Parish; which said Parishes, so by the said Commissioners, or the major Part of them, to be divided, shall be by the said Commissioners ascertain'd, either by Natural Boundaries, Artificial Courses, or otherwise; and a full and fair Account of their Proceedings, and the Boundaries, Sign'd by the said Commissioners, or the major Part of them, shall be by the said Commissioners, return'd to the next General Assembly, for their Inspection and Approbation.

And be it further Enacted, by the Authority aforesaid, That if any of the Persons herein before-named Commissioners, shall fail or refuse to be present at the Time and Place herein prefix'd, not being hindred by Sicknefs, or other unavoidable Accident, or being present shall refuse to proceed to the Executing the Power herein before given them, shall forfeit and pay One Thoulard Pounds of Tobacco; to be recovered in the County-court, and applied to the Use of the County where such Person shall reside, by Action of Debt, Bill, Plaint, or Information; wherein no Esloyn, Protection, or Wager of Law shall be allowed.

An A C T to prevent the Abuses of Concealing Convicted Felons, and other Offenders imported into this Province; and for the better Discovery of them.

W H E R E A S by the Statute of the Fourth Year of the Reign of His late Majesty King G E O R G E the First, (of Glorious Memory) Entituled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool, and for to declare the Law in some Points relating to Pirates,* It is Enacted and Provided, That where any Person, or Persons, should be Convicted of Offences (within the Benefit of Clergy) and liable to be Whipt, or Burnt in the Hand, or ordered to any Work-House; or that should be Convict of Grand or Petit Larceny, or any Felonious Stealing or Taking of Money, Goods, or Chattles, either from the Person, or the House of any Person, or any other Manner; and who, by the Law, should be entituled to the Benefit of Clergy, and liable only to the Penalties of Burning in the Hand, or Whipping; (except Persons convict for Receiving or Buying Stolen Goods, knowing them to be Stolen,) It should and might be lawful for the Court before whom they should be convicted, or any Court held at the same Place with the like Authority, if they should think fit, instead of ordering such Offenders to be Burnt in the Hand, or Whipt, to order and direct that such Offenders, as also such Offenders, in any Work-house as aforesaid, should be sent, as soon as conveniently might be, to some of his Majesty's Colonies and Plantations in America, for the Space of Seven Years: And that Court before whom they should be convicted, or any subsequent Court, held for the same Place, with the like Authority as the former, should have Power to convey, transfer, and make over such Offenders, by Order of Court, to the Use of any Person, or Persons, who should contract for the Performance of such Transportation, to him or them, his or their Assigns, for the Term of Seven Years. And where

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any Person was convicted before the making the said first recited Act, or did then stand attainted of any Offence whatsoever for Death, by Law, ought to be inflicted. Or where any Offenders should be thereafter convicted of any Crime whatsoever, for which by Law they ought to be excluded the Benefit of Clergy; and his Majesty, his Heirs, or Successors, should be graciously pleased to extend Royal Mercy to any such Offenders, upon Condition of Transportation to any Part of *America*, and such Intention of Mercy should be signified by one of his Majesty's principal Secretaries of State; It should and might be lawful for any Court, having proper Authority, to allow such Offenders the Benefit of a Pardon, under the Great-Seal, and to order and direct the like Transfer and Conveyance to any Person or Persons (who would contract for the Performance of such Transportation,) and to his and their Assigns, of any such before-mention'd Offenders. As also of any Person or Persons, convicted of Receiving Stolen Goods, knowing them to be Stolen, for the Term of Fourteen Years; in case such Condition of Transportation be general; or else for such other Term or Terms as should be made Part of such Condition, if any particular Time be specified by his Majesty, his Heirs, and Successors, as aforesaid: And that such Person or Persons, so contracting as aforesaid, his or their Assigns, by Virtue of such Order of Transfer as aforesaid, should have a Property and Interest in the Service of the said Offenders, for such Term of Years.

And whereas by the Statute of the Sixth Year of the Reign of his late Majesty, Entituled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons*, It is Enacted, That all the Powers and Authorities which are given by the said recited Act of the Fourth Year of the Reign of his late Majesty, to any Court before whom any Felons and Offenders tried for, and convicted of any Offence, for which they might be sent or transported to any of his Majesty's Colonies or Plantations in *America*, should and might be observed and executed by any other subsequent Court, with like Authority, held for the same County, Riding, Division, or Liberty; were, or should be, tried or convicted: And that such Court might appoint, if they should think fit, two or more Justices of the Peace, of the said County, Riding, Liberty, or Place, where such Offenders were or should be convicted; who should have Power and Authority to contract with any Person, or Persons, for the Performance of the Transportation of such Felons and Offenders, who by Order of such Court, or Courts, were to be sent to any of the Colonies or Plantations aforesaid; and to order such like sufficient Security to be given; (as the aforesaid recited Act directs, to be taken by Order of Court) and also to cause such Felons, pursuant to such Contract, to be delivered by the respective Goalers, in whose Custody they were, or should be, or might be, to the Person or Persons contracting for the same, or to his or their Assigns.

And whereas several Masters of Ships, and other Vessels, importing the said Felons and Offenders into this Province, have neglected to bring any Testimonial of the Offences whereof the said Felons, and Offenders, have been convicted; or whereby it might appear whether they were obliged to serve Seven Years, or Fourteen Years, which hath already occasioned Disputes and Controversies between the Persons entituled to the Service of such Felons, and Offenders, and the Felons and Offenders themselves, concerning their Terms of Servitude, and may occasion many more, as well as give some of the said Felons, and Offenders, Opportunities of returning from their Transportation before the Expiration of the Terms they have been or may be transported for, contrary to the true Intent and Meaning of the said Statutes.

And whereas several other Masters of Ships, and Vessels, have Imported several Felons, and other Offenders, into this Province, and made private Contracts with such Felons, and Offenders, for a less Time of Servitude than is prescribed by the said Acts, and disposed of the said Felons, and other Offenders,

Offenders to several of the Inhabitants of this Province; as Servants of good Reputations, and not convict of any Crime or Offences; by which Practices, several of the said Felons, and Offenders, whose Testimony ought not to be received in any Court of Record, or before any Magistrate, because not known to be such, may be received as Witnesses, to the manifest Danger of the Lives, Liberties, and Properties, of his Majesty's Subjects of this Province; and the true Intent and Meaning of the said Statutes, is eluded: For the Prevention of which Evils,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Master of a Ship, or Vessel, that shall import any Felons, or Offenders, from and after the Tenth Day of November, which shall be in the Year One Thousand Seven Hundred and Twenty Nine, shall be obliged to bring an authentick Testimonial of the Offence, or Offences, whereof such Felon, or Offender, hath been, or shall be convict; and the Number of Years, he, she, or they, are obliged to serve; on Pain of forfeiting the Sum of Five Pounds current Money of Maryland, for every such Felon or Offender; One Half to the Lord Proprietary, to be applied to defray the Charge of the County wherein such Ship, or Vessel, shall ride at Anchor, the other Half to him or them who shall sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information; wherein no Esloyn, Protection, or Wager of Law to be allowed.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That such Testimonial, or Testimonials, shall be lodg'd by the Master, or chief Officer of such Ship, or Vessel, importing such convicted Persons, with the Clerks of the respective County-courts within this Province, into which such Felons, or Offenders, shall be Imported and Sold; under the Penalty of Five Pounds for every Offence; to be recovered and applied as aforesaid: And any Copy, or Copies, of such Testimonial, or Testimonials, under the Hand of such County Clerk, shall be received and admitted as full and conclusive Evidence, to prove the Matter therein contain'd. And for the better Discovery of Felons, and other Offenders,

Be it Enacted, by the Authority aforesaid, That all Persons importing or bringing any Servant, or Servants, into this Province, by Land or by Water, shall be obliged by Virtue of this Act, to declare upon Oath (or Affirmation if a Quaker) to the Naval Officer of the Port or District into which such Servant, or Servants, shall be imported or brought, whether any such Servant, or Servants, have been convicted of any Crime, to the Knowledge of the Person or Persons, so importing such Servant, or Servants; and if any, of what Crime: And that if it shall appear, by the Oath (or Affirmation if a Quaker,) of such Person or Persons, or by any other Legal Evidence, that any such Servant, or Servants, hath or have been convict of any Felony, or other Offence, such Felon, or Offender, shall serve the same Term of Years as is prescribed and directed, in and by the said Statutes: Any private Contract or Agreement to the contrary, notwithstanding.

And be it further Enacted, That any Person importing or bringing any Servants in this Province, as aforesaid, and that shall refuse to declare upon Oath (or Affirmation, if a Quaker,) whether to his Knowledge, any such Servant hath been convict of any Felony, or other Offence, shall forfeit the Sum of One Hundred Pounds current Money; to be recovered to the Uses aforesaid, in Manner and Form aforesaid: And that every Naval Officer, neglecting or omitting to administer such Oath, (or Affirmation, if a Quaker) shall for every such Neglect or Omission, forfeit One Hundred Pounds, like Money; to be recovered and applied as aforesaid.

And be it further Enacted, That any Person or Persons, so to be sworn, (or affirm if a Quaker) who shall knowingly forswear him, or themselves,

or falsely affirm, shall be liable to be prosecuted for Perjury: And in Case of Conviction, shall suffer the same Pains and Penalties, as in Cases of corrupt and wilful Perjury.

And be it further Enacted, That a Copy of the Oath, or Affirmation, of such Importer, certified by the Naval Officer, shall be deemed and taken to be good and effectual in Law, in any Dispute or Controversy concerning such Felons or Offenders, as if given *Viva Voce*, at the Time of such Dispute or Controversy: Any Law, Usage, or Custom to the contrary notwithstanding.

And be it likewise Enacted, That any Provincial Justice, or Justices of the Peace within this Province, upon the Application of any Person or Persons to them; or upon any Suspicion of any Felon, or other Offender, being imported or brought into this Province, shall and may examine upon Oath (or Affirmation, if a *Quaker*) any of the Crew of any Ship or Vessel, or any other Person, touching their Knowledge, of any such Felon, or other Offender: And that such Examination, or Examinations, Deposition, or Depositions, shall be as good and effectual in Law, as if the Examinants or Deponents were present, and delivered their Testimony *Viva Voce*: Any Law, Statute, or Usage to the contrary notwithstanding.

*A Supplementary A C T to the A C T for relieving
the Inhabitants of this Province, from some Aggrie-
vances in the Prosecution of Suits at Law.*

FORASMUCH as it is represented to this General Assembly, as a very great Aggrievance to the good People of this Province, that there is not a sufficient Provision made against the Arresting the Inhabitants thereof, when they shall happen to be found about their necessary Affairs, out of the County where they reside:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be lawful for any Person whatsoever, to cause any Inhabitant of this Province, to be Arrested out of the County where he or she doth reside, by Virtue of any *Capias ad Respondendum*, or *Capias ad Satisfaciendum*, for any Debt, Damage, or Costs, until the Sheriff, or Coroner of the County where such Defendant shall reside, shall have returned a *Non est Inventus*, on a *Capias ad Respondendum*, or *Capias ad Satisfaciendum*, issued at the Request of the said Person against the said Defendant.

And be it further Enacted, by the Authority aforesaid, That if any Person be arrested upon a *Capias ad Respondendum*, contrary to the Intent of this Act; the Plaintiff in the said Action shall suffer a Nonsuit, and pay the Defendant his or her reasonable Costs, Charges, and Damages, to be adjudged him or her, by the Court from whom such Process issued: And if any Person be taken in Execution, contrary to the Directions hereof, the Justices of the Court from whence such Execution issued, shall discharge him or her, from his or her Imprisonment; and in a summary Way adjudge to him or her, his or her reasonable Damages, Costs, and Charges; and cause the same to be discounted by the Plaintiff, out of his or her Judgment obtained against the said Defendant: Any Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding.

And whereas, it appears that small Benefit is reaped by the Act for Stay of Execution after the Tenth of May Yearly, and the Supplementary Act thereto; for that it is hardly possible to get any Quantity of Tobacco ready by the Tenth Day of November:

Be it Enacted, by the Authority, Advice, and Consent aforesaid, That the Time in the aforesaid Acts mentioned for Stay of Execution, shall hereafter be changed from the Tenth Day of November, unto the Tenth Day of February: And that these Words (on the Tenth Day of November next) in the Confession by the said recited Act for Stay of Execution required to be made, shall be changed to these Words, viz. (on the Tenth Day of February next.)

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That it shall not be lawful for any Person or Persons, to sue out any Execution upon any Judgment whatsoever, superseded, or upon any Confession made therefore, after the Manner aforesaid, 'till after the Tenth Day of February next following the said Superseedeas or Confession; any Law, Statute, or Usage, to the contrary thereof, in any wise notwithstanding.

Provided always, That this Act, or any thing therein contained, shall not extend to the Benefit or Advantage of any Persons that shall abscond or fly from Justice in the County where they live; but that such Persons may be arrested in any County where-ever they are to be found.

This Act to endure, from and after this Sessions of Assembly, for and during the End of Three Years, and to the End of the next Sessions of Assembly after the Three Years.

An A C T for the Repairing and Inlarging of the Church in the City of Annapolis; and for the Building a Chapel of Ease, in the Parish of St. Anne's, in Anne-Arundel County: And to impower the Raising and Levying a Quantity of Tobacco, for that Purpose.

WHEREAS on the Petition of the Vestry-Men, Church-Wardens and Inhabitants of St. Anne's Parish, in Anne-Arundel County, it appears to this General Assembly, that the Church in the City of Annapolis, to which the said Inhabitants resort for Divine Worship, is not only very much decayed and ruinous, but also too small and inconvenient for that Purpose; and also that the said Parish is of such Extent, that many of the said Inhabitants cannot, without great Fatigue and Trouble, attend the Worship of God, in the said Church:

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for, and the Vestry and Church-Wardens of the said Parish, are hereby authorized and impowered, to enlarge or cause to be enlarged and repaired, the said Church in the City of Annapolis, with such Dimensions, and in such Manner, as to them, or the major Part of them, shall seem meet and proper: And also, that it shall and may be lawful for, and the said Vestry is hereby authorized and impowered to build, or cause to be built, a Chapel of Ease, of such Dimensions, and in such Manner, as to them, or the major Part of them, shall be adjudged proper; which said Chapel shall be built and stand in such Part and Place of the said Parish, as shall be determined, agreed upon, and adjudged most convenient, by the Inhabitants, or the major Part of them, residing in the Upper Part of the said Parish; and which said Inhabitants may and shall meet together, for the Determination and Agreement of such Place, upon convenient Notice, to be inserted for that Purpose, by the said Vestry and Church-Wardens, in the Maryland GAZETTE.

And for the defraying the Charge and Expence of such Inlargement, Reparation and Building, Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices of Anne-Arundel County-Court,

Court, shall and may, and they are hereby authorized and directed, on the Application of the said Vestry and Church-Wardens, to assess and levy, by Two several Assessments on the Inhabitants of the said Parish, any Quantity or Quantities of Tobacco, not exceeding in the whole the Quantity of Forty Thousand; and which said Quantity or Quantities of Tobacco, so to be assessed and levied, shall be collected by the Sheriff of the said County, who is hereby authorized and directed to collect the same; and who shall have for such Collection, at and after the Rate of Five per Cent. And the said Tobacco, when so collected, shall be paid to the said Vestry, and Church-Wardens, who are hereby authorized and required to apply the same for the Inlargement and Reparation of the said Church, and building of the Chappel aforesaid.

Provided always, and it is the true Intent and Meaning of this Act, That it shall not be lawful for the Vestry-Men, and Church-Wardens of the Parish aforesaid, to apply to the Justices of the County aforesaid, for the Assessing and levying the Tobacco aforesaid; nor for the Justices aforesaid, to cause the said Tobacco to be assessed and levied on the Parishioners aforesaid, untill the Consent of the major Part of the said Parishioners shall be known thereto, by a Certificate for that Purpose, under their Hands: Any Thing in this Act to the contrary thereof notwithstanding.

An ACT for the Payment and Assessment of the Publick Charge of this Province, for this present Year One Thousand Seven Hundred and Twenty Eight.

WHEREAS there hath been the Sum of Four Hundred and Sixty Six Thousand, Three Hundred and Sixty One Pounds of Tobacco, and Four Hundred and Twenty Five Pounds, and Six Pence, current Money of Maryland, and One Hundred and Fifty Pounds Sterling in Money, laid out and expended for the Publick Charge of this Province, to the Second Day of November, in the Year of our Lord One Thousand Seven Hundred and Twenty Eight: To the Intent the same may be satisfied and paid to whom the same is due, as by the Journals of the Levy, and Lists of Payment thereto annexed appears,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the said Sum of Four Hundred and Twenty Five Pounds, and Six Pence, current Money, and One Hundred and Fifty Pounds Sterling aforesaid, be satisfied and paid to whom the same is due, out of the Publick Stock of Money lodged in the Treasurers Hands of this Province; and that the Tobacco now raised, and to be lodged in the Hands of the several Sheriffs of this Province, be applied; and a Levy, or equal Assessment, of Seventeen Pounds of Tobacco per Poll, be, by Virtue of this Act, levied and assessed upon the Bodies and Estate of the Taxable Inhabitants of this Province, and paid to the several Persons to whom it is due, according to the Journal of Accounts, and Disbursements for the necessary Charges of this Province, which have been examined, and now stated and allowed of by this present General Assembly.

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An ACT for Erecting a new Parish, out of that Part of St. Paul's Parish that lies in Anne-Arundel County, and out of All-Hallow's and St. Anne's Parishes in the said County.

WH E R E A S it is represented to this present General Assembly, by the Inhabitants in and about Elk-Ridge, in Anne-Arundel County, That they have been for many Years in a melancholly Condition, for want of the Gospel, and the Blessed Means thereof; dispensed among them, the Parish-Church in St. Paul's Parish aforesaid, wherein they live, lying at such Distance, and the Falls so difficult, that it is impossible for them and their Families to repair to it: And therefore the said Inhabitants humbly prayed, that they might have a new Parish taken out of the several Parishes aforesaid, according to the Bounds hereafter expressed:

And whereas, the Rev. Messieurs William Tibbs, John Humphrys, and Joseph Colebatch, the present Incumbents of the several Parishes aforesaid, having had due Notice hereof, and making no material Objections against the Passing of an Act as above prayed; and forasmuch as the Prayer of the Petitioners aforesaid, is thought reasonable by the present General Assembly to be granted as prayed,

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the First Day of December next ensuing, all the remaining Part heretofore called Elk-Ridge Hundred, which was not annexed to Westminster Parish, being now Part of St. Paul's Parish aforesaid, and all that Part of All-Hallow's Parish bounded by a Line drawn from the Mouth of Regues Harbour Branch, on Patuxent River, to the North Branch, or Snowden's River, on the Southward of Thomas Jones's Plantation: Also all that Part of St. Anne's Parish bounded by a Line drawn from the Mouth of a small Branch running into Patuxent River, and lying between the Plantations of John Ryon and Rose Lee, and running by a straight Line through the Woods, till it intersects the former Divisional Line between Anne-Arundel and Baltimore Counties, including therein the Plantations of John Ryon, and John Birber; shall be taken from the several Parishes aforesaid, and be erected into a new Parish, and called by the Name of Queen Caroline; And shall from and after the Time aforesaid, by Virtue of this Act, be deemed, adjudged, reputed and taken for Queen Caroline Parish, and not as Part or Parcel of St. Paul's, All-Hallow's, and St. Anne's Parishes aforesaid: And that the Boundaries aforesaid, shall always be deemed, taken and reputed, as the undoubted Boundaries to divide Queen Caroline Parish aforesaid, from the other Parishes aforesaid. And that the Inhabitants of the said Queen Caroline Parish, shall have and enjoy all Benefits and Priviledges, Power and Authorities, in every Respect equal with any Inhabitants of any other Parish within this Province, heretofore had or hereafter may have.

And further, giving to the several Freeholders of Queen Caroline Parish aforesaid, at a certain Day to be appointed by them, full and ample Power, to elect and make Choice of the Number of Six select Vestry-Men, at least, and Two Church-Wardens: And also to finish the Church already built in Queen Caroline Parish aforesaid, which shall be reputed, taken and deemed, as the Parish Church for that Parish; any Law, Statute, Usage or Custom to the contrary notwithstanding.

An ACT for the laying out of Land, and erecting a Town in St. Mary's County, at a Place formerly called Seymour Town.

WH E R E A S it appears to this present General Assembly, That there is Land adjoining to the Place where the Court-House of St. Mary's County stands, very convenient for the Laying out of a Town, and that the same will be very Advantagious to the Inhabitants of the said County,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Col. Thomas Truman Greenfield, Capt. Thomas Waughop, Mr. Philip Key, Mr. John Young, Mr. Justinian Jordan, Mr. Richard Thomson, and Capt. George Clark, or any Five of them, shall be and are hereby appointed Commissioners for St. Mary's County aforesaid, and are hereby authorized and empowered, as well to agree for the Buying and Purchasing of Fifty Acres of Land, at the Place aforesaid, as for the Surveying and Laying the same out in the most convenient Manner that may be, into Eighty equal Lotts, erected into a Town.

And be it further Enacted, That the Commissioners herein before nominated and appointed, or the major Part of them, are hereby empowered, some time before the last Day of April next, to meet together at the County Court-House aforesaid, or some other convenient Place near thereabouts; and shall then and there, treat and agree with the Owners and Persons interested in the said Fifty Acres, for the same; and after Purchase thereof, shall cause the same to be surveyed and laid out: And after the same so surveyed and laid out, shall cause the same Fifty Acres to be marked, staked out, and divided into convenient Streets, Lanes, and Allies; and the remaining Part of the said Fifty Acres of Land, as near as may be, into Eighty equal Lotts, marked on some Posts, or Stakes, towards the Streets, or Lanes, with Number One, Two, Three, Four, and so on to Eighty; to be divided and laid out: Out of which Lotts the Owner of the said Land shall have his first Choice for two Lotts; and after such Choice, the remaining Lotts may be taken up by Others. And that no Person shall presume to

purchase more than One Lot within the said Fifty Acres, during the first Four Months after laying out the same. And that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in case the said Inhabitants shall not take up the said Lots within the Time of Four Months after laying out as aforesaid; it shall then be free for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner proportionably for the same. And in case the Owner, or Owners, of the aforesaid Fifty Acres of Land, shall wilfully refuse to make Sale of the same, or that thro' Nonage, Coverture, *Non sana Memoria*, or any other Disability or Impediment whatsoever, be or are disabled to make such Sale as aforesaid; that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, impowered and required, to issue out Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Free-holders, Inhabitants in the said County, to be and appear before the said Commissioners, at a certain Day and Time by them to be limited; which Jury (upon their Oath to them to be administered by the said Commissioners, or the major Part of them) shall enquire, assess, and return, what Damage and Recompence they shall think fit to be awarded to the Owners of the said Fifty Acres, and all Persons therein mention'd, according to their severall and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Fifty Acres to be worth, shall be paid to the Owners, and all Persons interested therein, by such Person or Persons, as shall take up the said Lots, proportionably to their Lot or Lots.

And be it further Enacted, that the Surveyor of St. Mary's County, for the Time being, shall have and receive for surveying and laying out the Town aforesaid, the Sum of Two Thousand Pounds of Tobacco and no more; to be paid and allowed him in the County Levy. And in case the Taker-up of such Lot or Lots, refuse and neglect to build upon such Lot or Lots, within Twelve Months, a House that shall cover Four Hundred Square Feet; and none of the Houses to be built on any of the Lots aforesaid, shall be suffered to have Chimney, unless the same be built with Brick or Stone, after taking up the same; and in case the House or Houses to be built on the Lot or Lots as aforesaid, be not built as before directed, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so not built upon as aforesaid; on he or they who shall enter upon any of the said Lots through the Defects aforesaid, their paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid; or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the publick Use and Benefit of the said Town.

Provided always, That such second Taker-up or Purchaser, who shall build and finish (within one Year after his Entry made,) an House in the Manner as in this Act is before limited and appointed to be built by the First Taker up, shall have, and enjoy as good an Estate, to all Intents and Purposes, as in and by this Act before is limited and settled upon the First Taker-up and Builder. And in case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years next after the Publication of this Act, that then and in such case, the Owner or Person Interested at the First in such Land, (after such Time expired) shall be possessed and Interested in the said Lot or Lots, as in their First and former Estate; any thing in this Act contained to the contrary notwithstanding.

And be it further Enacted, That nothing in this Act shall extend or be construed to extend, to prejudice any Person or Persons, his, or their Heirs or Assigns, who have complied with the Requisites of the Act of Assembly, whereby Part of the Land before allowed to be laid out, was actually Surveyed into Lots, and then called *Seymour Town*, of their Title to or Inheritance in the said Lots; but that the said Persons, their Heirs and Assigns, shall and may quietly hold, possess and enjoy the same for ever: Any thing in this Act, to the contrary thereof notwithstanding.

And be it further Enacted, That the Land hereby allowed to be laid out, be not so Surveyed as to effect the Buildings, or Improvements of the Heir at Law of *Thomas Cooper*, deceased. And saving to his most sacred Majesty, his Heirs and Successors, His Lordship the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all other Persons not mentioned in this Act, their severall and respective Rights: Any Thing in this Act, to the Contrary notwithstanding.

And be it further Enacted, That the Place hereby directed to be laid out for a Town, shall be henceforth, by Virtue of this Act, known and called by the Name of *Leonard Town*; and that all Writs, Precepts, and Process Issuing out of St. Mary's County Court, be made returnable to said Place, by the Name of *Leonard Town*, and that no Advantage be taken by such Alteration of the Name.

An

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An ACT for the Relief of John Powel, John Nowel, Samuel Stevens, Mary Gordon and Thomas Price, Languishing Prisoners in Anne-Arundel County. Thomas Hill and James Ward, Languishing Prisoners in Talbot County. Richard Edwards and Nathaniel Wright, Languishing Prisoners in Queen-Anne's County. Christopher Bonfield and Clarina Gilly, Languishing Prisoners in Calvert County. Kenneth Mackensy, a Languishing Prisoner in Charles County. Peter Bromfield, a Languishing Prisoner in Prince George's County. And Abel Van Burkelo, a Languishing Prisoner in Cecil County.

WHEREAS the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kenneth Mackensy, Peter Bromfield, and Abel Van Burkelo, (by their humble Petition to this present General Assembly) have severally set forth, That they have continued Prisoners for Debt, in the Custody of the Sheriffs of the several Counties aforesaid, viz. The said John Powel, John Nowel, Samuel Stevens, Mary Gordon, and Thomas Price, under the Custody of the Sheriff of Anne-Arundel County; Thomas Hill and James Ward, under the Custody of the Sheriff of Talbot County; Richard Edwards and Nathaniel Wright, under the Custody of the Sheriff of Queen Anne's County; Christopher Bonfield, and Clarina Gilly, under the Custody of the Sheriff of Calvert County; Kenneth Mackensy, under the Custody of the Sheriff of Charles County; Peter Bromfield, under the Custody of the Sheriff of Prince George's County; and Abel Van Burkelo, under the Custody of the Sheriff of Cecil County; for a considerable Time past, and still continue in the like deplorable Circumstances, not being able to redeem their Bodies, with all their Estate or Interest they have in the World; which they would readily surrender up and part with, to their several and respective Creditors, if they would accept of the same, and grant the said Petitioners their Liberty; which seems so unlikely for them to obtain, that (unless relieved by a particular Act to be past in their Favour, which by their said Petitions they have humbly prayed) they must inevitably continue Prisoners for Life; and thereby their Families utterly ruined. And for that the Truth of the said Petitioners Allegations is made appear to this General Assembly, by sufficient Testimony; and that the said Petitioners, and their Families, are fit Objects of Charity, and that their lying in Goal can be no Benefit to their Creditors; It is humbly prayed, that the said Petitioners may be relieved according to their Prayer, and that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That unless all or any of the Creditors of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kenneth Mackensy, Peter Bromfield, and Abel Van Burkelo, or the Creditor or Creditors of any or either of them, or the Attorney or Attorneys, of such Creditor, or Creditors aforesaid, within this Province; shall, within Twenty Days after the End of this Sessions of Assembly, go to the Sheriffs of the aforesaid Counties of Anne-Arundel, Talbot, Queen Anne's, Calvert, Charles, Prince George's, and Cecil; and give good Security to pay the Imprisonment Fees of Ten Pounds of Tobacco per Day, that shall or may become due from the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kenneth Mackensy, Peter Bromfield, and Abel Van Burkelo, after the End of the said Twenty Days; And also to find the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kenneth Mackensy, Peter Bromfield, and Abel Van Burkelo, or any or either of them, sufficient Meat, Drink, and Cloathing, during their future Imprisonment; In case they the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kenneth Mackensy, Peter Bromfield, and Abel Van Burkelo, shall deliver up and surrender, or cause to be delivered up and surrendered to the Sheriffs of Anne-Arundel, Talbot, Queen Anne's, Calvert, Charles, Prince George's, and Cecil Counties aforesaid, in the Presence of Two Justices of the Peace in each of the said Counties, whom the said Sheriffs are hereby required to summon, on the Request of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kenneth Mackensy, Peter Bromfield, and Abel Van Burkelo, or any of them, at the Dwelling Plantation, or Plantations, or Place or Places, where, before the Imprisonment of the said several Persons, was the Place or Places of Residence of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kenneth Mackensy, Peter Bromfield, and Abel Van Burkelo, at some convenient Time, after the Receipt of this Act, not exceeding Ten Days, all their real and personal Estate, either in Possession, Reversion or Remainder, or in Trust, or in or unto which they have, or any or either of them hath any Claim or Interest whatsoever; and do likewise, by the Day before mentioned, convey, assign, transfer and make over unto the said Sheriffs of Anne-Arundel, Talbot, Queen Anne's, Calvert, Charles, Prince George's, and Cecil Counties, for the Use of their said Creditors, all such their Estate, Interest or Claim as aforesaid; after such Manner as by the said Sheriff, and the major Part of the said Creditors, or of such of them as shall think fit to direct therein, or their Council Learned in the Law, shall reasonably devise or require, at the Costs and Charges of such Persons, as shall claim the Benefit thereof; so as the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kenneth Mackensy, Peter Bromfield, and Abel Van Burkelo, be not burthened with any Warranties thereby, other than from themselves; or those that claim by, from or under them. And that the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bon-

field, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, and either of them, at the Time of such their Surrender, and Transferring their Estate as aforesaid; shall take his or their Solemn Oath or Oaths, (or Affirmation if a Quaker) before the said Two Justices of the respective Counties aforesaid, to be summoned as aforesaid, to the Effect following, viz.

I A. B. Do solemnly Swear, that the Goods, Debts, and Effects, which I have delivered, assign'd, and made over to the Sheriff of _____ County, and in Trust for the Use of my Creditors; is the whole Estate, both Real and Personal, of my own in Possession, or have any Title to in the World. And that I have not any Estate, Goods, or Effects, of any Kind whatsoever left, either in Possession, Reversion, or Remainder; (The necessary Wearing Apparel for my self, Wife, and Children excepted.) And that I have not, directly or indirectly, Sold, Leased, or otherwise Conveyed, Disposed of, or Intrusted, all or any Part of my Estate, thereby to secure the same, to receive or expect any Profit or Advantage thereof".

So help me G O D.

It shall and may be lawful for the Sheriffs of the respective Counties aforesaid, after the End of the said Twenty Days, and the said Sheriffs are hereby required to discharge the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, out of their Custody, and to suffer them to go at large.

And be it further Enacted, That upon the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, their complying with what is required of them by this Act, that they the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, and either of them, their, and either of their Heirs, Executors, or Administrators, shall be, by Virtue of this Act, acquitted, exonerated, released and discharged of and from all manner of Debts, Duties, Claims, and Demands whatsoever, that have been severally contracted by them, or have arose due, or become Demandable from them at any Time before the Sitting of this present General Assembly: And that in case the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or either of them, shall, after their Compliance and Discharge as aforesaid, be arrested, or sued for any such their Debts or Duties as aforesaid; or that the said Sheriffs should be sued for any Matter or Thing required of them, or either of them, to be done by this Act; that then the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or the said Sheriffs, or either of them whom it may concern, may enter a Common Appearance, or Appearances, without Special Bail, to any such Action, or Actions, as shall be brought against them, or either of them; and plead thereto the General Issue; and give this Act, or the Exemplification thereof, with the special Matter thereon arising, in Evidence. And that in case the Plaintiff, or Plaintiffs, commencing and bringing such Action, or Actions, as aforesaid, shall be Non-suit, the Defendant, or Defendants, shall recover against him, or them, double Costs of Suit: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, That the Sheriffs of the several and respective Counties aforesaid, and either of them, shall (after such Surrender and Delivery up as aforesaid,) give publick Notice at the Churches, Court-houses, and Mills, within the said Counties, of some precise Time, by them the said Sheriffs, and the said Two Justices to be appointed, for the Distribution of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, their Effects and Estate, not less than Twenty Days after the Time of the making the said Surrender; and shall then and there, in the Presence of Two such Justices as aforesaid, and by their Advice and Directions, make Distribution of the Estate or Estates of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or of the Estate or Estates of either of them, so as aforesaid to be surrendered and deliver'd up, or transferred, amongst such of their said Creditors only, as shall then by themselves, or their lawful Attorney or Attorneys, think fit to be present at such Distribution, by an equal and proportionable Distribution thereof to every such Creditor, with Respect had and in Proportion to the Largeness of his or her Debt: The Proceeding of the said Justices and Sheriffs, in that Behalf, to be certified to the Courts of the several Counties aforesaid, and there lodg'd for the Perusal of any of the Creditors of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, that shall require the same, without any Fee to be paid thereon, or for such Lodging thereof; saving the Right of the said Lord Proprietary, his Heirs and Successors, and of all Bodies Politick and Corporate.

Provided nevertheless, That in case the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or either of them, shall at any Time after the making such his or their Oath or Oaths, or taking such Affirmation as aforesaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Noncompliance with the Tenour of such Oath or Affirmation as aforesaid; That then the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or such of them as shall be convict as aforesaid, shall, upon such Conviction, be adjudged to stand Two Hours in the Pillory, and have his or her Left Ear Cut off, and shall be wholly deprived of any Benefit design'd him, them, or either of them, by this Law; and shall be

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from thenceforth liable to be prosecuted for any Debts or Demands whatsoever, in the same manner as if this Act had never been made; any Thing therein contained to the contrary, notwithstanding.

Provided likewise, and be it Enacted, by the Authority, Advice and Consent aforesaid, That notwithstanding the Discharge of the Persons of the Prisoners aforesaid, upon taking the Oath aforesaid, all and every Judgment now had and taken, or that shall hereafter be obtained, had and taken, against any the aforementioned Prisoners, by any of their Creditors, for any Debt or Debts owing and remaining due from any of them to such their Creditors, after such Surrender and Distribution made as aforesaid, shall be and stand good and effectual, in Law, to all Intents and Purposes, against the Lands, Tenements, and Hereditaments, Goods and Chattels, that the said several Prisoners so discharged as aforesaid, shall hereafter acquire, and come to the Possession of, and in their own Right only. And it shall and may be lawful to and for the Creditors of the said several Prisoners so discharged as aforesaid, their Executors, Administrators, or Assigns, to take out any new Execution, against the Lands, Tenements, Hereditaments, Goods and Chattels of the Prisoner or Prisoners aforesaid, (except his or their Wearing Apparel, Bedding for his or their Family, and Tools necessary for his or their Trade or Occupation, and what may be necessary for their Subsistence, not exceeding the Value of Five Pounds current Money,) for the Satisfaction of the Remainder of his or their said Debt, in such Sort, Manner and Form, as he or they might have done, if the Person or Persons of the said several Prisoners so discharged as aforesaid, had never been taken in Execution: Any Act, Statute, or Custom to the contrary, notwithstanding.

And Whereas Mr. Charles Carroll, has shewn to this present General Assembly, a Bill of Sale, from Nathaniel Wright, in this Act mentioned, and now in the Custody of the Sheriff of Queen Anne's County, for Four Negroe Slaves, to wit, Sambo, Leader, Sam and Caffee, which said Slaves, notwithstanding, as the said Charles suggests, in Fact belong to him, yet the said Nathaniel has disposed of them, to Persons unknown to the said Charles; so that the said Charles could never discover where the said Negroes were: And the said Charles having prayed, that the said Nathaniel Wright might not be discharged of his Imprisonment, by Virtue of this Act, until the said Nathaniel Wright, should, upon Oath, declare what is become of the said Negroes, whether they be Living or Dead; and if Living, in whose Possession, and where, and by what Right, and upon what Consideration he disposed of the same.

Be it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the aforesaid Nathaniel Wright, have no Benefit by this Act, until upon Oath, by him to be taken, before Two of the Justices of Queen Anne's County, he declare in Writing, what is become of the said Negroes, whether they be Living or Dead; and if Living, in whose Possession they are, and where, and by what Right, and upon what Consideration he disposed of the said Negroes: Any Thing in this Act before to the contrary, in any wise notwithstanding.

Provided also, That Samuel Stevens, shall not be Entitled to any Benefit or Privilege by Virtue of this Act, until he give good Security for his good Behaviour, during his Residence within this Province, before Two Justices of the Peace for Anne-Arundel County: Any Thing in this Act to the contrary, notwithstanding.

The following PRIVATE LAWS, were also Enacted this Session:

AN ACT for the Relief of John Beale, of Charles County.

An ACT for the Relief of Sarah Massey, of the City of Philadelphia.

An ACT to confirm Two Deeds of Sale, the one from George Oldfield, to Petronella his Wife, and the other from Richard Carr, Son and Heir at Law to a certain John Carr, of Cecil County, deceased, to Casparus Augustine Hernian.

An ACT for the Naturalization of William Rayman, of the City of Annapolis.

An ACT for the Relief of Francis Garterell, of Anne-Arundel County.

An ACT for the Relief of Edward Parish, in Anne-Arundel County.



Advertise-

Advertisement.

BY the L A W S made this last Session of Assembly, some former A^cs are Repeal'd, and others Reviv'd: Therefore the Printer has made the following Memorandums, for the Ease of those who have the Bound Books of all the Laws; that they may mark out with their Pens, those L A W S that are Repeal'd, to prevent Mistakes hereafter.

THE A^ct for ascertaining the Form of the Oath of Judge or Justice, made in the Year 1727, and printed in the 5th Page of the Book of LAWS of that Session, is Dissented to by the Right Honourable the Lord Proprietary.

ACT S Repeal'd this Session.

AN A^cT prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other Indian or English Grain, or Meal; Horses, Mares, Colts, or Fillies; from Pensilvania, and the Territories thereto belonging; (printed in Page 73, of the bound Body of L A W S) is Repealed by an A^ct made this Session, printed in the 9th Page of this Book.

Part of an A^cT concerning Tobacco, made in the Year 1727, (printed in Page 10, 11, &c. of the Book of L A W S of that Session) is Repealed by an A^ct made this Session, and printed in Page 15, of this Book.

ACT S Reviv'd this Session.

AN A^cT for the better Relief of poor Debtors, (printed in Page 234, of the bound Body of L A W S) is Reviv'd, by an A^ct made this Session, and printed in the 11th Page of this Book.

All the A^cT S of Assembly heretofore made, relating to the Destroying of Wolves, Squirrels and Crows, (printed in Pag. 68, 226, 239, of the bound Body of L A W S) are Repeal'd by an A^ct made this Session, which is printed in Pag. 11, 12, 13, of this Book.

ALL Sorts of useful Blanks, viz. Common Bonds, Bonds and Judgment, Sheriffs Bail Bonds, Arbitration Bonds, Powers of Attorney, Bills of Sale, Bill of Lading, Bills of Exchange, Bonds to be taken with Bills of Exchange, Promisary Notes, short Promisary Notes for Money or Tobacco, with Penalty, Clients Oaths, Justices Warrants for small Debts, &c. are Printed and Sold at Reasonable Rates, by *William Parks*, Printer in *Annapolis*: Where Old Books are New-Bound very cheap; and Shop-Books for Accounts, Rul'd or Unrul'd, Bound of any Size they are bespoke.